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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,709	08/30/2001	Hiroki Homma	Q66038	6250

7590 09/21/2005

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EXAMINER

KANG, PAUL H

ART UNIT PAPER NUMBER

2141

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,709

Applicant(s)

HOMMA, HIROKI

Examiner

Paul H. Kang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/01/04/03; 11/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-5 have been withdrawn. Claims 6-8 are rejected below.

Claim Objections

2. Claims 6-8 are objected to because of the following informalities: the claims are replete with grammatical errors which make the claims difficult to understand, and further make it difficult to determine the scope of the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al., US Pat. No. 5,790,790, in view of Bobo II., US Pat. No. 5,870,549.

5. As to claims 6-8, Smith teaches the invention substantially as claimed. Smith teaches a method for use in a message transfer service of transferring at least one message stored in a message service center MSC by which the message is received through a server and which is sent to a terminal of a user registering for the message transfer service and contracting with said server,

wherein a Web terminal is connected to INTERNET (Smith, col. 3, lines 14-62), and

storage data further include a transfer service class which is specified by a selected one of a combination of voice data and letter data, either one of the voice and the letter data, and a combination of image data together with either one of voice data and letter data (Smith, col. 3, lines 14-61),

the storage data related to the messages having URLs linked the stored messages respectively in advance (Smith, col. 8, lines 37-46), the method comprising:

first step of registering, by the MSC, the transfer service class of the message sent by the registered user on registering the message transfer service (Smith, col. 7, lines 28-33);

second step of registering, by the server, an E-mail address as one of customer data for the registered user in advance (Smith, col. 7, lines 11-33);

third step of obtaining, by the MSC requesting to said telephone company, the E-mail address at a time of storing message received in the absence of the user (Smith, col. 7, lines 11-33);

fourth step of sending, from the MSC to the user through the INTERNET, only message storage data including calling party data, a reception time of the message and data that are based on the registered transfer service class and are added to the storage data and have the linked URL (Smith, col. 7, line 11 – col. 8, line 46);

fifth step of displaying, on the Web terminal to said MSC through the INTERNET, the storage data of the messages received from said MSC on screen to select the storage data regarding one of the messages from displayed data sends the linked URL of the selected data (Smith, col. 7, line 11 – col. 8, line 46); and

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sixth step of sending, from the MSC to said Web terminal through said INTERNET, the message corresponding to the received linked URL (Smith, col. 8, lines 32-67).

However, Smith does not explicitly teach the server being a telephone company. In the same field of endeavor, Bobo teaches a system and method for delivering messages wherein a telephone company stores and forwards the messages (Bobo, col. 7, lines 15-52).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the telephone company as taught by Bobo into the system and method of Smith since telephone company data distribution systems are widely used and implemented by the users.

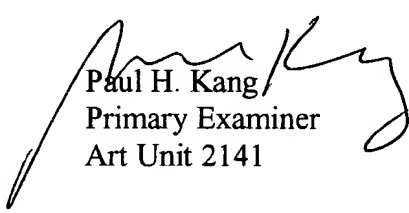
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H. Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharra can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paul H. Kang
Primary Examiner
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